

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13513 of 2020

Arising Out of PS. Case No.-178 Year-2019 Thana- AMAS District- Gaya

SUNIL PASWAN S/o Sri Naresh Paswan R/o village- Banahi, P.S.- Amas,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar, Adv.
For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-06-2020 This case has been heard through video- conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 394 of the Indian Penal Code.

Prosecution case as lodged by the informant is that on
13.09.2019 at about 3PM, the he along with his friend Ranjan
Kumar had gone to his maternal uncle's village to eat mutton on
motorcycle. After taking mutton, the he went to meet Sundar
Yadav and thereafter proceeded to his village Jalalpur. In the
way as soon as the informant reached near iron bridge near
village Haridaspur saw four persons armed with lathi standing
in both side of the road. Out of the aforesaid four persons, one
person gave lathi blow causing injury on the nose of the



informant and he fell down. Thereafter, two persons snatched the motorcycle of the informant and fled away. The other two miscreants succeeded in fleeing away.

It has been submitted on behalf of the petitioner that he is innocent, not named in the FIR, not caught on the spot and has been falsely implicated in this case. He submits that during the investigation, at a belated stage the police recorded the statement of Sujit Kumar Pal in para-15 of the case diary in which he disclosed that he heard about the presence of Vikash Kumar, Naresh Paswan and the petitioner Sunil Paswan and one unknown near the place of occurrence. He submits that petitioner has not been put on test identification parade and nothing has been recovered from the possession of the petitioner. He submits that police arrested one Naresh Paswan on suspicion and recorded his statement in which he confessed his guilt and further disclosed the name of the petitioner and his one of the associates in the alleged occurrence. He further submits charge-sheet has already been submitted and petitioner is languishing in judicial custody 03.12.2019.

Learned counsel for the State vehemently opposes the prayer for bail.

In the facts and circumstances of the case, let the



petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Amas Police Station Case No. 178 of 2019 subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(II) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(III) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(IV) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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